

DOA
09-17-17

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)
v.)
Alejandro Espinoza,)
a.k.a.: Jose Raul Espinoza,)
a.k.a.: Jose Raul Espinoza-Ochoa,)
(A206 466 759))
Defendant

Case No. 17-9408 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 17, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Alejandro Espinoza, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about October 21, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Margaret Perlmeter

☒ Continued on the attached sheet.

Complainant's signature

Gilbert V. Longoria,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 18, 2017

Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE


I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 17, 2017, Alejandro Espinoza was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Espinoza was encountered by ICE Officer M. Karakey who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On September 17, 2017, Espinoza was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Espinoza was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Alejandro Espinoza to be a citizen of Mexico and a previously deported criminal alien. Espinoza was removed from the United States to Mexico at or near Nogales, Arizona, on or about October 21, 2014, pursuant

to an order of removal issued by an immigration judge. There is no record of Espinoza in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Espinoza's immigration history was matched to him by electronic fingerprint comparison.


4. Criminal history checks revealed that Alejandro Espinoza was convicted of Attempted Aggravated Assault, a felony offense, on July 3, 2014, in the Superior Court of Arizona, Maricopa County. Espinoza was sentenced to ninety (90) days' incarceration and three (3) years' probation. Espinoza's criminal history was matched to him by electronic fingerprint comparison.
5. On September 17, 2017, Alejandro Espinoza was advised of his constitutional rights. Espinoza freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 17, 2017, Alejandro Espinoza, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about October 21, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to

reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Gilbert V. Longoria,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 18th day of September, 2017.



Eileen S. Willett,
United States Magistrate Judge